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(SPACE BELOW FOR FILING STAMP ONLY)

Attorneys for Third-Party Defendant/Cross-claimant  
WESTERN INDUSTRIES, INC.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

ANDREW SHALABY, an individual, and  
SONIA DUNN-RUIZ, an individual,

Plaintiffs,

v.

IRWIN INDUSTRIAL TOOL  
COMPANY, THE HOME DEPOT, INC.,  
and DOES 2 through 100, inclusive,

Defendants.

AND RELATED ACTIONS.

Case No. 3:07-CV-02107-W (POR)

**CERTIFICATE OF SERVICE BY MAIL**

Judge: The Hon. Thomas J. Whelan

I, Peggy Maffei, declare as follows:

1. I am a resident of the State of California, over the age of eighteen years, and not a party to the within action.

2. My business address is McCormick, Barstow, Sheppard, Wayte & Carruth LLP, 5 River Park Place East, Fresno, California 93720-1501.

3. On December 7, 2007, on behalf of Western Industries, Inc., I served a copy of the **ANSWER TO THIRD-PARTY COMPLAINT; DEMAND FOR TRIAL BY JURY** and **WESTERN INDUSTRIES, INC.'S CROSS-CLAIM FOR INDEMNIFICATION** by placing said documents in a sealed envelope with postage thereon fully prepaid, in the United States mail

1 at Fresno California, addressed as follows:

2 Cathleen Shu-Chia Huang  
3 Bowles & Verna  
4 2121 N. California Blvd., Suite 875  
5 Walnut Creek, CA 94596

6 J. Phillip Moorhead  
7 Keller, Price and Moorhead  
8 229 Ave. I, 2<sup>nd</sup> Fl.  
9 Redondo Beach, CA 90277

10 4. I am readily familiar with the firm's practice of collection and processing  
11 correspondence for mailing. Under that practice, it would be deposited with the U.S. Postal  
12 Service on that same day with postage thereon fully prepaid in the ordinary course of business. I  
13 am aware that on motion of the party served, service is presumed invalid if postal cancellation  
14 date or postage meter date is more than one day after date of deposit for mailing in affidavit.

15 I declare that I am employed in the office of a member of the bar of this court at whose  
16 direction the service was made. Executed on December 7, 2007 at Fresno, California.

17 /s/ Peggy Maffei

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19 Peggy Maffei

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